

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
173-35 (COR)	Therese M. Terlaje	AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A STANDARDIZED RISK ASSESSMENT AND SYSTEM OF TREATMENT PROGRAMS FOR CRIMINAL SEXUAL CONDUCT OFFENDERS, WHICH SHALL BE KNOWN AS THE "CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION ACT".	6/26/19 10:21 a.m.	10/14/19	Committee on Health, Tourism, Historic Preservation, Land, and Justice	11/7/19 2:00 p.m.	1/16/20 4:33 p.m.	7/26/19	As amended by the Committee on Health, Tourism, Historic Preservation, Land, and Justice



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Liheslaturan Guåhan
35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

January 15, 2020

The Honorable Tina Rose Muña Barnes

Speaker

I Mina'trentai Singko na Liheslaturan Guåhan

163 Chalan Santo Papa

Hagåtña, Guam 96910

TRJ

VIA: The Honorable Régine Biscoe Lee

Chairperson, Committee on Rules

RE: Committee Report on Bill No. 173-35 (COR) As Amended by the Committee.

Håfa Adai Speaker Barnes:

Transmitted herewith is the Committee Report on **Bill No. 173-35 (COR) As Amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice – As Introduced by Senator Therese M. Terlaje- "AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A STANDARDIZED RISK ASSESSMENT AND SYSTEM OF TREATMENT PROGRAMS FOR CRIMINAL SEXUAL CONDUCT OFFENDERS, WHICH SHALL BE KNOWN AS THE "CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION ACT".**

Committee votes are as follows:

- 3 TO DO PASS
- 8 TO NOT PASS
- 5 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

RECEIVED
 JAN 16 2020
 12:22 pm.
 COMMITTEE ON RULES

2020 JAN 16 PM 4:33

Sincerely,

Therese M. Terlaje

Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com

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Senator

THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

COMMITTEE REPORT

Bill No. 173-35 (COR)

**Introduced by Senator Therese M.
Terlaje**

**As Amended by the Committee on
Health, Tourism, Historic
Preservation, Land and Justice**

**“AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9,
GUAM CODE ANNOTATED, RELATIVE TO
ESTABLISHING A STANDARDIZED RISK
ASSESSMENT AND SYSTEM OF TREATMENT
PROGRAMS FOR CRIMINAL SEXUAL CONDUCT
OFFENDERS, WHICH SHALL BE KNOWN AS THE
“CRIMINAL SEXUAL CONDUCT ASSESSMENT AND
REHABILITATION ACT.”**

Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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Senator

TERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

November 12, 2019

MEMORANDUM

To: All Members
Committee on Health, Tourism, Historic Preservation, Land and Justice

From: Senator Therese M. Terlaje *TMT*
Committee Chairperson

Subject: Committee Report on Bill No. 173-35 (COR)- As Amended by the Committee.

Transmitted herewith for your consideration is the Committee Report on Bill No. 173-35 (COR) – As Amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice- As Introduced by Senator Therese M. Terlaje- “AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A STANDARDIZED RISK ASSESSMENT AND SYSTEM OF TREATMENT PROGRAMS FOR CRIMINAL SEXUAL CONDUCT OFFENDERS, WHICH SHALL BE KNOWN AS THE “CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION ACT”.

This report includes the following:

- Copy of COR Referral of Bill No. 173-35 (COR)
- Notices of Public Hearing & Other Correspondence
- Copy of the Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimonies & Supporting Documents
- Committee Report Digest
- Copy of Bill No. 173-35 (COR) As Introduced
- Copy of Bill No. 173-35 (COR) As Amended by the Committee
- Amended Mark-Up Version
- Copy of Fiscal Note
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os ma'åse'!

Senator Régine Biscoe Lee,
Chair

Senator Amanda L. Shelton,
Vice Chair

Speaker Tina Rose Muña Barnes,
Member

Vice Speaker Telena Cruz Nelson,
Member

Senator Kelly Marsh (Taitano), PhD,
Member

Senator Sabina Flores Perez,
Member



COMMITTEE ON RULES
I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
35TH GUAM LEGISLATURE

October 14, 2019

Senator Clynton E. Ridgell
Member

Senator Joe S. San Agustin
Member

Senator Jose "Pedro" Terlaje,
Member

Senator Therese M. Terlaje,
Member

Senator James C. Moylan,
Member

Senator Mary Camacho Torres,
Member and Chair, Subcommittee on Protocol

MEMO

To: Rennae Meno
Clerk of the Legislature

Attorney Ana Won Pat-Borja
Legislative Legal Counsel

From: Senator Régine Biscoe Lee
Chair, Committee on Rules

Re: Referral of Bill No. 173-35 (COR)

Buenas yan Håfa adai.

As per my authority as Chair of the Committee on Rules and subject to §6.01(d), Rule VI of our Standing Rules, I am forwarding the referral of **Bill No. 173-35 (COR)**.


Please ensure that the subject bill is referred to the **Committee on Health, Tourism, Historic Preservation, Land and Justice, chaired by Senator Therese M. Terlaje**.

I also request that the same be forwarded to the prime sponsor of the subject bill.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.

Respectfully,


Senator Régine Biscoe Lee
Chair, Committee on Rules

FIRST NOTICE of Public Hearing – Thursday, November 7, 2019 beginning at 2:00 p.m.

1 message

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Tue, Oct 29, 2019 at 4:16 PM

To: Speaker's Office <speaker@guamlegislature.org>, Vice Speaker Telena Cruz Nelson <senatorcnelson@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, "Office of Senator Kelly Marsh (Taitano), PhD." <office.senatorkelly@guamlegislature.org>, Senator Regine Biscoe Lee <senatorbiscoelee@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Senator Clynt Ridgell <sen.cridgell@teleguam.net>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Sabina Perez <office@senatorperez.org>, Senator Wil Castro <wilcastro671@gmail.com>, Senator Louise Borja Muna <senatorlouise@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, Senator James Moylan <senatormoylan@guamlegislature.org>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>

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October 29, 2019

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje, Chairperson
Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **FIRST NOTICE of Public Hearing – Thursday, November 7, 2019 beginning at 2:00 p.m.**

Håfa Adai!

Please be advised that the Committee on Health, Tourism, Historic Preservation, Land and Justice will convene a public hearing on **Thursday, November 7, 2019 beginning at 2:00 PM** in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña).

2:00 PM to 4PM:

- Bill No. 173-35 (COR) - Therese M. Terlaje- AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A STANDARDIZED RISK ASSESSMENT AND SYSTEM OF TREATMENT PROGRAMS FOR CRIMINAL SEXUAL CONDUCT OFFENDERS, WHICH SHALL BE KNOWN AS THE "CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION ACT". Bill Link: [http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%20173-35%20\(COR\).pdf](http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%20173-35%20(COR).pdf)
- Bill No. 99-35 (COR) - James C. Moylan- AN ACT TO AMEND §89.13(a) AND §89.13(b) OF CHAPTER 89, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ELECTRONIC MONITORING OF SEX OFFENDERS ON PROBATION OR PAROLE. Bill Link: [http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%2099-35%20\(COR\).pdf](http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%2099-35%20(COR).pdf)
- Bill No. 148-35 (LS) - James. C. Moylan- AN ACT TO AMEND § 81.10 OF CHAPTER 81, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO WORK CREDIT FOR THOSE INCARCERATED AT THE DEPARTMENT OF CORRECTIONS. Bill Link: [http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%20148-35%20\(LS\).pdf](http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%20148-35%20(LS).pdf)

5:00 PM: (Previously scheduled at 2:00 PM)

- **3rd Informational Briefing on Guam's Medical Malpractice Mandatory Arbitration Act** (10 GCA, Chapter 10): Options Overview: Recommendations for Improvement (All health professionals and patients are invited to provide written testimony or attend hearing).

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via [LiheSlaturan Guåhan's live feed](#). A recording of the hearing will be available online via [Guam Legislature Media](#) on YouTube after the hearing. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Senator Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Senator Therese M. Terlaje at Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam; to the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Therese M. Terlaje at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.

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Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na LiheSlaturan Guåhan

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

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Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

October 29, 2019

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje, Chairperson *TKS*
Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **FIRST NOTICE of Public Hearing** - Thursday, November 7, 2019 beginning at 2:00 p.m.

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- **Bill No. 173-35 (COR)** - Therese M. Terlaje- AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A STANDARDIZED RISK ASSESSMENT AND SYSTEM OF TREATMENT PROGRAMS FOR CRIMINAL SEXUAL CONDUCT OFFENDERS, WHICH SHALL BE KNOWN AS THE "CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION ACT". Bill
Link: [http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%20173-35%20\(COR\).pdf](http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%20173-35%20(COR).pdf)
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Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

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You've got your mind on your money and so do we. Keep up with all things commerce, trade and corporate here. Send tips, monetary or otherwise, to editor@postguam.com.

GUAM DAILY POST • THURSDAY, OCTOBER 31, 2019

CURRENCY EXCHANGE RATES	Keep posted and get more data and details online. Log on to see real time market data with our stock market tool at postguam.com/stock_market .						
	On Oct. 30, \$1 was worth:	51.0020 PHP₱	108.840 JPY¥	1,168.07 KRW₩	30.4390 TWD NT\$	7.0608 CNY¥	1.4558 AUD A\$

Guam luxury hotel sets April opening

The Premier Hotel Group on Wednesday announced its Guam luxury hotel, The Tsubaki Tower, will open on April 25, 2020.

Overlooking the sea in Tumon Bay, the hotel will offer 340 rooms, including 62 suites.

An affiliate of Japan-based Ken Corp., Premier Hotel Group announced the hotel will offer restaurants and bars, an infinity pool, The Garden Plaza and Sky Wedding an outdoor chapel on the 27th floor.

The Tsubaki Tower's style has been



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PO Box 1306 Hagatna, Guam 96932 | ffc_agana@yahoo.com

Committee On Health, Tourism, Historic Preservation, Land and Justice

SENATOR THERESE M. TERLAJE
I Mina'trentai Singko na Liheslaturan Guåhan
35th Guam Legislature

Guam Legislature Public Hearing Room, Guam Congress Building, Hagåtña
PUBLIC HEARINGS ♦ THURSDAY, NOVEMBER 7, 2019

2:00 PM to 4:00 PM Public Hearing: *Bill No. 173-35 (COR)*- T.M. Terlaje- AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A STANDARDIZED RISK ASSESSMENT AND SYSTEM OF TREATMENT PROGRAMS FOR CRIMINAL SEXUAL CONDUCT OFFENDERS, WHICH SHALL BE KNOWN AS THE "CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION ACT". • *Bill No. 99-35 (COR)*- J.C. Moylan- AN ACT TO AMEND §89.13(a) AND §89.13(b) OF CHAPTER 89, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ELECTRONIC MONITORING OF SEX OFFENDERS ON PROBATION OR PAROLE. • *Bill No. 148-35 (COR)*- J.C. Moylan- AN ACT TO AMEND § 81.10 OF CHAPTER 81, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO WORK CREDIT FOR THOSE INCARCERATED AT THE DEPARTMENT OF CORRECTIONS.

5:00 PM- 3rd Informational Briefing: GUAM'S MEDICAL MALPRACTICE MANDATORY ARBITRATION ACT (10 GCA, CHAPTER 10): OPTIONS OVERVIEW: RECOMMENDATIONS FOR IMPROVEMENT (ALL HEALTH PROFESSIONALS AND PATIENTS ARE INVITED TO PROVIDE WRITTEN TESTIMONY OR ATTEND HEARING).

If you require any special accommodations or for further information, please contact the Office of Senator Therese M. Terlaje at 472-3586. Testimonies may be submitted to our office at Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910, to the Guam Congress Building, or via email at senatorterlaje@guam.gov. The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via Liheslaturan Guåhan's live feed at http://www.guamlegislature.com/live_ffpd.htm. This ad is paid for with government funds.

SECOND NOTICE of Public Hearing – Thursday, November 7, 2019 beginning at 2:00 p.m.

1 message

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Tue, Nov 5, 2019 at 1:41 PM

To: Speaker's Office <speaker@guamlegislature.org>, Vice Speaker Telena Cruz Nelson <senatortcnelson@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, "Office of Senator Kelly Marsh (Taitano), PhD." <office.senatorkelly@guamlegislature.org>, Senator Regine Biscoe Lee <senatorbiscoelee@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Senator Clynt Ridgell <sen.cridgell@teleguam.net>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Sabina Perez <office@senatorperez.org>, Senator Wil Castro <wilcastro671@gmail.com>, Senator Louise Borja Muna <senatorlouise@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, Senator James Moylan <senatormoylan@guamlegislature.org>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>, phnotice@guamlegislature.org

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NOVEMBER 5, 2019

MEMORANDUM

To: All Senators, Stakeholders and Media

 From: Senator Therese M. Terlaje, Chairperson
 Committee on Health, Tourism, Historic Preservation, Land and Justice

 Subject: **SECOND NOTICE of Public Hearing – Thursday, November 7, 2019 beginning at 2:00 p.m.**

Håfa Adai!

Please be advised that the Committee on Health, Tourism, Historic Preservation, Land and Justice will convene a public hearing on **Thursday, November 7, 2019 beginning at 2:00 PM** in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña).

2:00 PM to 4PM:

- Bill No. 173-35 (COR) - Therese M. Terlaje- AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A STANDARDIZED RISK ASSESSMENT AND SYSTEM OF TREATMENT PROGRAMS FOR CRIMINAL SEXUAL CONDUCT OFFENDERS, WHICH SHALL BE KNOWN AS THE "CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION ACT". Bill Link: [http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%20173-35%20\(COR\).pdf](http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%20173-35%20(COR).pdf)
- Bill No. 99-35 (COR) - James C. Moylan- AN ACT TO AMEND §89.13(a) AND §89.13(b) OF CHAPTER 89, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ELECTRONIC MONITORING OF SEX OFFENDERS ON PROBATION OR PAROLE. Bill Link: [http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%2099-35%20\(COR\).pdf](http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%2099-35%20(COR).pdf)
- Bill No. 148-35 (LS) - James. C. Moylan- AN ACT TO AMEND § 81.10 OF CHAPTER 81, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO WORK CREDIT FOR THOSE INCARCERATED AT THE DEPARTMENT OF CORRECTIONS. Bill Link: [http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%20148-35%20\(LS\).pdf](http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%20148-35%20(LS).pdf)

5:00 PM: (Previously scheduled at 2:00 PM)

- **3rd Informational Briefing on Guam's Medical Malpractice Mandatory Arbitration Act** (10 GCA, Chapter 10): Options Overview: Recommendations for Improvement (All health professionals and patients are invited to provide written testimony or attend hearing).

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via [I Liheslaturan Guåhan's live feed](#). A recording of the hearing will be available online via [Guam Legislature Media](#) on YouTube after the hearing. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Senator Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Senator Therese M. Terlaje at Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam; to the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Therese M. Terlaje at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

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Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Liheslaturan Guåhan


35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

November 5, 2019

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje, Chairperson 
Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **SECOND NOTICE of Public Hearing** - Thursday, November 7, 2019 beginning at 2:00 p.m.

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Senator

THERESE M. TERLAJE

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

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GUAM DAILY POST • TUESDAY, NOVEMBER 5, 2019

	CURRENCY EXCHANGE RATES								
	On Nov. 4, \$1 was worth:								
	50.510 PHP¥	108.38 JPY¥	1,159.23 KRW¥	30.417 TWD NT\$	7.028 CNY¥	1.4459 AUD A\$	0.8965 EUR €		

Guam bankers contribute \$10K to H-2B lawsuit

During a press conference today, the Guam Bankers Association will discuss its \$10,000 contribution to the Guam Contractors Association lawsuit against the federal government.

The lawsuit was filed on Oct. 4, 2016 by a group of Guam compa-

UOG students aim to inspire entrepreneurs in Micronesia

A group of University of Guam students are holding a three-day event that aims to prepare people who dream of starting their own business will be held in Guam and throughout the Micronesia region.

businesses with thoughtful and innovative ideas.

The University of Guam Professional Master of Business Administration Cohort XV is bringing this initiative to Chuuk, Guam, Kosrae, Palau, Pohnpei, Surgery Forum.

Startup Weekend Micronesia



To learn more, go to <https://sweekendmicronesia.com/>

(Daily Post Staff)

NOTICE OF SPECIAL MEETING

The Judicial Council of Guam will conduct a special meeting on **Wednesday, November 13, 2019**, in the Justice Monessa G. Lujan Appellate Courtroom located on the 3rd Floor of the Guam Judicial Center, 120 West O'Brien Drive in Hagåtña at 9:00 a.m. The agenda will be made available prior to the meeting. The agenda for the Special Meeting will be to discuss proposed Financing Services.

Any person(s) needing special accommodations, auxiliary aids, or services, please contact the Administrator of the Courts at 475-3544, or Shelterihna T. Alokoa at 475-3589.

/s/ **CHIEF JUSTICE KATHERINE A. MARAMAN**
Chairwoman

Committee On Health, Tourism, Historic Preservation, Land and Justice



SENATOR THERESE M. TERLAJE

I Mina'trental Singko na Liheslaturan Guåhan
35th Guam Legislature

Guam Legislature Public Hearing Room, Guam Congress Building, Hagåtña
PUBLIC HEARINGS ◆ THURSDAY, NOVEMBER 7, 2019

2:00 PM to 4:00 PM Public Hearing: Bill No. 173-35 (COR)- T.M. Terlaje- AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A STANDARDIZED RISK ASSESSMENT AND SYSTEM OF TREATMENT PROGRAMS FOR CRIMINAL SEXUAL CONDUCT OFFENDERS, WHICH SHALL BE KNOWN AS THE "CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION ACT". • **Bill No. 99-35 (COR)**- J.C. Moylan- AN ACT TO AMEND §89.13(a) AND §89.13(b) OF CHAPTER 89, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ELECTRONIC MONITORING OF SEX OFFENDERS ON PROBATION OR PAROLE. • **Bill No. 148-35 (COR)**- J.C. Moylan- AN ACT TO AMEND § 81.10 OF CHAPTER 81, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO WORK CREDIT FOR THOSE INCARCERATED AT THE DEPARTMENT OF CORRECTIONS.

5:00 PM- 3rd Informational Briefing: GUAM'S MEDICAL MALPRACTICE MANDATORY ARBITRATION ACT (10 GCA, CHAPTER 10): OPTIONS OVERVIEW, RECOMMENDATIONS FOR IMPROVEMENT (ALL HEALTH PROFESSIONALS AND PATIENTS ARE INVITED TO PROVIDE WRITTEN TESTIMONY OR ATTEND HEARING).

If you require any special accommodations or for further information, please contact the Office of Senator Therese M. Terlaje at 472-3586. Testimonies may be submitted to our office at *Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910*, to the Guam Congress Building, or via email at senatorterlaje@guam.gov. The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117760.4 and stream online via *Liheslaturan Guåhan's* live feed at http://www.guamlegislature.com/live_feed.htm. This ad is paid for with government funds.

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Senator

THERESE M. TERLAJE

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

Thursday, November 07, 2019

AGENDA

2:00 PM to 4:00 PM

Bill No. 173-35 (COR) - Therese M. Terlaje- "AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A STANDARDIZED RISK ASSESSMENT AND SYSTEM OF TREATMENT PROGRAMS FOR CRIMINAL SEXUAL CONDUCT OFFENDERS, WHICH SHALL BE KNOWN AS THE "CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION ACT".

Bill No. 99-35 (COR) - James C. Moylan- "AN ACT TO AMEND §89.13(a) AND §89.13(b) OF CHAPTER 89, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ELECTRONIC MONITORING OF SEX OFFENDERS ON PROBATION OR PAROLE".

Bill No. 148-35 (LS) - James. C. Moylan- "AN ACT TO AMEND § 81.10 OF CHAPTER 81, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO WORK CREDIT FOR THOSE INCARCERATED AT THE DEPARTMENT OF CORRECTIONS".

5:00 PM *Note: This hearing is the third of a three-part series*

3rd Informational Briefing on *Guam's Medical Malpractice Mandatory Arbitration Act (10 GCA, Chapter 10): Options Overview: Recommendations for Improvement (All health professionals and patients are invited to provide written testimony or attend hearing).*

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via [Liheslaturan Guåhan's live feed](#). A recording of the hearing will be available online via [Guam Legislature Media](#) on YouTube after the hearing. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Senator Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Senator Therese M. Terlaje at Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam; to the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Therese M. Terlaje at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.

We look forward to your attendance and participation.

Si Yu'os Ma'åse

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I Mina'trentai Singko na Liheslaturan Guåhan
Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

Date: **Thursday, November 07, 2019**

Time: **2:00 PM**

Bill No. 173-35 (COR) - Therese M. Terlaje- "AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A STANDARDIZED RISK ASSESSMENT AND SYSTEM OF TREATMENT PROGRAMS FOR CRIMINAL SEXUAL CONDUCT OFFENDERS, WHICH SHALL BE KNOWN AS THE "CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION ACT".

	NAME	ADDRESS	CONTACT NO.	E-MAIL	Type of Testimony		Support	
					WRITTEN	ORAL	Yes	No
1	ROBERT CAMARILLO	AGANA HB	482-6606	bobcamacho@form.gov.gu		✓		
2	Regina	GMAHWC						X
3	T. C. Arriola		4829231			✓	✓	✓
4								
5								
6								
7								
8								
9								
10								



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JOSHUA F. TENORIO
Lieutenant Governor

THERESA C. ARRIOLA
Director
CARISSA E. PANGELINAN
Deputy Director

November 7, 2019

Senator Therese M. Terlaje
Chairwoman
Committee on Health, Tourism, Historic Preservation, Land and Justice.
35th Guam Legislature
Hagatna, Guam

Buenas & Hafa Adai Chairwoman Senator Therese Terlaje and honorable members of the Health, Tourism, Historic Preservation, Land and Justice Legislative Committee, 35th Guam Legislature.

Thank you for inviting me to testify on Bill 173-35 COR. After review of Bill 173 and receiving input from Guam Behavioral Health & Wellness Center (GBHWC) Clinical Administrator, Psychiatrists and Psychologist we offer support in Bill 173 intent, to establish a standardized Risk Assessment and system of evidence base treatment programs for criminal sexual conduct offenders.

Today, in speaking about victims of sexual acts - GBHWC provides evidentiary services for sexual assault victims, our Healing Hearts Program then refers victims for counseling services. GBHWC provides counseling for sexual assault victims across their entire life span.

With regards to sexual offenders, GBHWC already provides psychiatric services for individuals currently in DOC who may or may not be convicted of sexual crimes. We currently provide counseling and psychological services for individuals who report that they served time in prison for sexual crimes but was not the initial reason for them to seek GBHWC services. An example: Just this week, an individual came seeking services and in the in-take process revealed they served time for sexual crimes.

4. Sexual offenders have *Social, interpersonal, empathy-deficits and intimacy-deficits* as some experts believe these personality traits are associated with recidivism.

Moreover, researchers have asserted these are some “predictors” for recidivism

- The younger the age of victims;
- The age the offender started to sexually assault, the younger the age (adolescents) the higher risk for re-offending;
- Having prior convictions for sex offenses;
- Targeting male victims;
- Having unrelated, unfamiliar victims—as opposed to victims who are within the family or who are known to the offender;
- The presence of deviant sexual interests, or preferences;
- Being unmarried; and
- Having an antisocial personality disorder, or the presence of psychopathy.

And in addition, among the kinds of factors or variables that have the potential to change over time, and which predict sexual re-offending. Please see the following:

- Problems with intimacy, or conflicts in intimate relationships;
- Increased hostility;
- Emotional identification with children;
- Becoming preoccupied with sexual matters or activities;
- Lifestyle instability and self-regulation difficulties, such as employment problems, impulsivity, and substance abuse;
- Attitudes and beliefs that tend to support or justify criminal or antisocial behaviors; and
- Demonstrating non-compliance with supervision or treatment expectations.

5. WHY IS ABOVE SO IMPORTANT? There are psychological assessments and testing that can be used at baseline to document these characteristics and monitor progress in treatment.

Here are a list of possible psychological assessments and testing instruments that have been used to monitor sexual offenders progress in treatment, ability to change and prevent recidivism.

1. Hare Psychopathy Checklist—Revised (PCL-R; Hare, 1991, 2003);
2. Minnesota Sex Offender Screening Tool (MnSOST-R);
3. Rapid Risk Assessment for Sex Offender Recidivism (RRASOR), and

Hormonal Agents:

There are Ethical and legal issues with this method and there are serious negative side effects to noncompliance and dropout (a significant risk predictor). Termination of medication, therefore, may rapidly increase the risk of recidivism.

Cognitive-Behavioral:


1. Cognitive-behavioral techniques examine a sex offender's thought content and processes and teach skillbuilding strategies necessary to control deviant behavior. Treatment attempts to alter behavior by teaching sex offenders such skills as self-reinforcement, "internal dialogue" monitoring, modeling, and cognitive restructuring.

**It should be noted completion of treatment sessions does NOT guarantee offender will not sexually act out again.

Sewall, L. A., & Olver, M. E. (2019). Psychopathy and treatment outcome: Results from a sexual violence reduction program. *Personality Disorders: Theory, Research, and Treatment*, 10(1), 59-69.

Thank you for this opportunity to be part of this important discussion. I look forward to assisting the Committee in any way to move the intent of Bill 173 forward.

Saina Ma'ase,



THERESA C. ARRIOLA
Director

**Testimony for Bill No. 173-35 (COR): Chapter 93:
Criminal Sexual Conduct Assessment and Rehabilitation Act**

The spirit of the Bill 173-35 is commendable. As someone who had not be privy to previous meetings and discussions, these comments or testimony is made from a position of respect for work completed thus far.

The problem of increased incidents of Criminal Sexual Conduct has been an ongoing concern, unfortunately it is likely to increase exponentially as victims do not receive treatment. It is also likely that the numbers are significantly depressed due to underreporting. In other words, this problem will not go away. Thus, a well thought out long-term plan needs to be developed and it should be fully funded throughout the anticipated length of time with a suggestion of ten years from onset. It should also be audited and reviewed annually for efficacy and financial responsibility.

It is clear that Guam as a community has not done well with assessment, treatment, and rehabilitation of those incarcerated and released as the recidivism rate is high for all crimes. In other words, change is necessary in all three areas to include; assessment, treatment, and monitoring after release. The changes need to aim at reducing the dangerous risk of harm in the community and recidivism.

Assessment of Adults Sentenced with Criminal Sexual Conduct

The former or current method of assessment has been lacking. Therefore, while “the Legislature finds that Psycho-physiological testing can play a useful role in the assessment of sex offenders,” it is this writer’s position, that it plays an essential role.

Bill No. 173-35, highlight that the “assessment may include the use of Psycho-physiological testing in conjunction with a thorough psychiatric evaluation, comprehensive sexual history and clinical expertise or other such test of the offender as deemed appropriate by the Assessment Team.” It is unclear the composition of the Assessment Team and the specific types of physiological testing planned or discussed.

The assessment and evaluation process are daunting and best accomplished by specialists trained in this area of study. This writer’s cursory and superficial review of psycho-physiological testing specific to Criminal Sexual Conduct resulted in specific processes to include: a comprehensive psychiatric evaluation; reviewing available police reports; criminal history; collecting available collateral sources of information to verify information provided by the individual; detailed sexual history; history of violence as a youth and adult; and careful evaluation of deviant sexual arousal patterns. While obtaining subjective self-reports of sexual

arousal patterns it is essential to incorporate objective measures of an individual's sexual preferences. It is possible to manipulate true arousal patterns and compromise the evaluation of sexual offenders that results in inaccurate risk assessment decisions. Trained evaluators and/or trained psychiatrists are turning to objective measures of sexual arousal in the attempt to improve the accuracy of sexual arousal assessment (Coric, Feuerstein, Fortunati, Southwick, Temporini, and Morgan, 2005).

Coric, et al. also highlighted the psycho-physiological techniques used in the assessment of sex offenders to include: penile plethysmography, visual reaction times, and polygraphy. They note, the only "objective" way to assess pedophilic sexual interest is by direct measuring of penile erections in response to visual, auditory, or emotional cues. There are two types of plethysmography, an explanation that exceeds the scope of this testimony. Other sources discuss neuroimaging techniques (fMRI, MRI, PET, MEG and other neuroimaging techniques) to correlate sexual arousal. This too remains an ongoing area of research. The evaluation also needs to assess for history of violence to include expressive and instrumental violence. This should assist in predicting violent behaviors to include sexual violence in the future. This writer was not able to identify any research on DNA testing but it is likely some research exists. More to the point, Guam is hard pressed to identify specialist in these techniques and psychiatrist trained in this specific area of assessment.

What is true, is the limits of subjective assessments that rely on self-report or endorsement. Objective test such as the Abel Assessment of Sexual Interest have limited reliability, validity, and statistical analysis (Corin, et al). After working at Department of Corrections, it is this writer's position that the limitation of self-report assessments **does not** stand up to a lifetime of the learned skills of deception, manipulation, and personality disorders that may have developed over a lifetime. The Psycho-physiological assessments researched and found to have fair to good reliability and validity should be explored. While these assessments require specialization and training, it is far more reliable than other measures.

It is essential that the assessment/evaluation be completed at the **pre-sentencing** level where a plan can be developed. Those working in the clinical field understand that discharge or release planning needs to occur at intake. The treatment providers at Department of Corrections need to focus on treatment versus evaluation.

The Need for a Well-Developed Plan for Treatment

It is essential that the plan for treatment be well-developed for while an individual is incarcerated, paroled, or on probation. It was my understanding in the last few years, a finite number of providers received training to work with those charged and sentenced with Criminal

Sexual Conduct. Only one staff member, a correctional social worker, at Department of Corrections completed the training. No one from the Forensic: Mental Health clinic was invited. Regardless of a professional's place of work (DOC, Probation, Parole), the plan for training treatment providers should include a plan for attrition. Consequently, training needs to be ongoing more providers trained can serve the community in multiple settings.

Monitoring Compliance with Assessment and Treatment

Monitoring of the frequency of treatment and treatment outcomes need to be a part of this plan. Monitoring the frequency of treatment by providers who provide such services also needs to be assessed to determine the ideal and/or threshold for positive outcomes of treatment. In other words, a provider may provide treatment but at an inconsistent frequency, thus affecting overall success of treatment. The bottom line for treatment, is the more professionals trained in the treatment of those charged with CSC is better whether it is Parole, Probation, or at Department of Corrections. There could also be different levels of treatment to include, psycho-educational and therapeutic approaches. Regardless, successful completed recommended treatment should be a requirement for release and definitely for early release.

DOC Identifying Appropriate Sanctions

The Bill stated that the "Department of Corrections (DOC) shall develop and make public a range of punitive sanctions for those incarcerated offenders who fail to submit to assessment, treatment, or to participate in rehabilitation..." In general, prisoners at DOC typically want treatment of any kind.

This writer is not aware of the range of/ or what constitutes punitive sanctions for those who do not cooperate with assessment, comprehensive treatment or rehabilitation programs. The prisoners have few privileges, making any punitive sanctions worrisome over time as it may adversely affect their mental state.

While the thought that punishment or sanctions may be effective, there are cases where punishment *does not* reduce a target behavior. For example, in prison, after being sent to jail for a crime, people often continue committing crimes once they are released from prison. Researchers have found a number of factors that contribute to how effective punishment is in different situations. First, punishment is more likely to lead to a reduction in the target behavior if identified punishment or sanction immediately follows the behavior. Prison sentences typically occur long after the crime was been committed, which may help explain why sending an offender to jail does not always lead to a reduction in criminal behavior. Second, punishment achieves greater outcomes when it is consistently applied. It is a challenge or difficult to administer a punishment/sanction every single time a behavior occurs.

Punishment also has some shortcomings. First, behavior changes that result from punishment are often temporary. "Punished behaviors are likely to reappear after the punitive consequences are withdrawn."

Perhaps the greatest drawback is that punishment does not actually offer any information about more appropriate and/or desired behaviors. While offenders might be learning to not do certain things, they are not really learning what they *should* be doing. Treatment programs should be evidenced based and well researched to address individuals charged with CSC.

It is also uncertain the legality of loss of earned time. Regardless, this writer, however, strongly supports that those who do not cooperate with assessment, comprehensive treatment or rehabilitative programs shall not be eligible for parole.

Periodic assessment of offenders under the jurisdiction of each agency and programs is recommended to ensure the identified treatment is followed.

Role of the Court

This writer supports the position that the Court shall immediately revoke probation or release due to failure to perform/complete assessments, treatment or rehabilitation made a condition for probation, pretrial release, presentence release or release. It also supports the point that the Parole Board shall immediately revoke parole due to failure to cooperate with assessment, treatment, or rehabilitation.

The Courts may consider lengthy sentences and/or strict and consistent monitoring of Sex Offenders.

Sex Offender Registry

There is a serious question related to the Sex Offender Registry and how individuals are monitored. The need to be consistent is one way to reduce the likelihood of reoffending. In other jurisdictions, when someone on the registry intends to move into a community, their presence is posted as well as their intention to live in specific areas, thus giving the community time to respond to keep themselves safe. Most citizens/residents on Guam are not aware of the registry, thus increasing the potential of sexual assault.

Samples for Testing of Offenders

The Bill highlighted that the collection of samples, from an offender by a probation, parole officer, case manager within the Department of Corrections, or any contract provider of testing services, is an interesting add-on. Discussion of chemical testing is of interest as it is not discussed anywhere else in the Bill. The tests related to psycho-physiological assessments do

not necessarily rely on chemical testing, unless chemical castration is part of the discussion. If it is related the chemical castration bill, there are numerous concerns about that bill altogether.

Financial Responsibility

Throughout the Bill it is emphasized that “all persons referred or ordered to receive assessment, testing, or treatment shall be made to pay for such, in accordance with the fee schedule, except in such cases where the person is determined to be indigent.” This notion is of concern as few if any prisoners who are released are able to secure gainful employment. Based on the psycho-physiological testing, the cost may be prohibitive for a majority of individuals. Once released, an anticipated response to non-compliance for treatment is likely to center on the financial cost of assessment and treatment. In this case, it is essential that lack of financial resources not hinder treatment. To ensure consistency, this writer supports that the services are funded by the Government of Guam.

Coric, Vladimir, MD; Feuerstein, Seth, MD; JD; Fortunati, Frank, MD; JD, Southwick, Steven, MD; Temporini, Humberto MD; and Morgan, Charles A. MD. (2005) Psychiatry (Edgmont). 2005 Nov; 2(11): 26–29. Published online 2005 Nov.: “Assessing Sex Offenders.”

Patricia L.G. Taimanglo, Ph.D. 7/17/2019



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 173-35 (COR) was introduced on Wednesday, June 26, 2019 by Senator Therese M. Terlaje and was subsequently referred by the Committee on Rules to the Committee on Health, Tourism, Historic Preservation, Land and Justice on Monday, October 14, 2019.

The Committee on Health, Tourism, Historic Preservation, Land and Justice convened a public hearing on Bill No. 173-35 (COR) on Thursday, November 7, 2019 at 2:00 PM in *I Liheslatura's* Public Hearing Room.

Public Notice Requirements

Notices for this Public Hearing were disseminated via email to all senators and all main media broadcasting outlets on Tuesday, October 29, 2019 (5- Day Notice) and again on Tuesday, November 5, 2019 (48-Hour Notice). The notice was also published in the Guam Daily Post on Friday, October 31, 2019 and Tuesday, November 5, 2019.

Senators Present:

Senator Therese M. Terlaje, Chairperson, Committee on Health, Tourism, Historic Preservation, Land and Justice

Senator James C. Moylan, Committee Member

Senator Amanda L. Shelton- Committee Member

Senator Telo Taitague

Appearing Before the Committee:

Therese C. Arriola, Director, Guam Behavioral Health & Wellness Center

Robert Camacho, retired Department of Corrections Parole Officer

Written Testimony Submitted by:

Therese C. Arriola, Director, Guam Behavioral Health & Wellness Center

Patricia L.G. Taimanglo, Ph.D.

II. SUMMARY OF TESTIMONY & DISCUSSION

The public hearing was Called-to-Order



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Chairperson Therese M. Terlaje:

Håfa adai! Good afternoon, everyone. Thank you for being here.

The Committee on Health, Tourism, Historic Preservation, Land and Justice is called to order. Today's, Thursday, November 7, 2019 and the time is about 2:10 PM.

Notices for this Public Hearing were disseminated via email to all senators and all main media broadcasting outlets on Tuesday, October 29, 2019 and again on Tuesday, November 5, 2019. The notice was also published in the Guam Daily Post on Friday, October 31, 2019 and Tuesday, November 5, 2019.

So, there are three items on our agenda today, three bills. And I'd like to acknowledge the presence of my colleagues, Senator James Moylan and Senator Telo Taitague. Thank you for being here. And thank you to all of you who are here. I know we've got Directors here and I thank you for taking the time to weigh in on these measures. Appreciate that very much.

So, we're going to begin with Bill No. 173-35 (COR). This is a bill that I introduced and it is a bill that really was motivated by a story that kind of shocked our community. About repeat sex offenders who were out on parole committing another crime and so many of you participated with us in prior roundtables.

And I want to thank you again and I think we got some very good information at that point that were hoping to build upon here today. And so, because of the unique nature of criminal sexual conduct and the repeat offenses that we were finding in the news and that had plagued our parole system and just our regular release system.

Pre-trial release system and Post-trial release system that we are trying to address criminal sexual conduct in particular by these bills today.

I like to acknowledge the presence of Senator Amanda Shelton, thank you senator.



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So, prior to 2017, well at one of the roundtables that we had. We had talked about the status of the sex offenders on release, the sex offender registry, risk assessments, sentencing and many other related topics that they have built the availability of treatment for these offenders.

And so, it was determined that prior to 2017, there were no rehabilitation or treatment programs available on Guam for repeat criminal sexual conduct offenders. The Department of Corrections reported that it recently instituted a sex offender treatment program based on Cognitive Behavior Interventions – CBI best practices but only fifteen people were able to be put in that program at a time.

And we also found that psychological evaluations are often requested by the parole board to be included in the parole investigation reports to make parole decisions. However, these evaluations are not always conducted or made available to the parole board before the parole hearings are held.

The Chairman of the parole board reported that in light of the case that we were discussing at that time. No hearings, they had put a hold on new hearings until they made a new policy that from then on. They would not conduct hearings for criminal sexual conduct offenses and as they had completed a psychological evaluation.

Risk assessments are not catered to criminal sexual conduct repeat offenders and this risk may not be adequately known by judges or the Department of Corrections or the parole board. We also found that pre-sentencing investigation reports and recommendation regarding parole made at the time of sentencing have not been available to the parole office or the parole board when making parole decisions even though it's mandated by statute.

We seem to be facing the reality that criminal sexual conduct offenders will continue to be released at the expiration of sentence without treatment. In many cases and without accurate risk assessment. So, we're hoping to change that.

Now with this bill and with many other measures and of course with just the improvements within the agencies. And I know that you are all working very diligently on this and I want to commend you for that.



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So, Bill No. 173-35 (COR) is AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A STANDARDIZED RISK ASSESSMENT AND SYSTEM OF TREATMENT PROGRAMS FOR CRIMINAL SEXUAL CONDUCT OFFENDERS, WHICH SHALL BE KNOWN AS THE 'CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION ACT'".

The intent is to curtail the risk of further harm from persons accused or convicted of criminal sexual conduct through the implementation of standardized procedures for the assessment of those individuals for dangerousness and risk of recidivism of reoffending. So, this act will require the courts to assess the dangerousness and risk of recidivism before release on probation, pre-trial, pre-sentence or parole. In the Superior Court of Guam, the Department of Corrections, the parole board, the Guam Police Department and the Guam Behavioral Health and Wellness Center is going to comprise our assessment team and shall cooperate to develop and implement the following:

- I. A standardized procedure for assessment which may include the use of physiological testing in conjunction with a thorough psychiatric evaluation, comprehensive sexual history, and clinical expertise or such other test deemed appropriate.
- II. A system of programs for treatment and rehabilitation of individuals accused or convicted of sexual offenses, which can be utilized by offender's placed on probation, incarcerated with the Department of Correction, placed on parole or in community corrections or released.
- III. The assessment team shall cooperate to develop a schedule of fees sufficient to cover the costs of assessment, testing, and treatment to be paid by persons ordered to receive assessment except in the case that they are determined indigent.

Furthermore, persons convicted of criminal sexual conduct felonies who do not complete treatment and rehabilitation as recommended by a court, parole board, or Department of Corrections official, based on assessment, shall not be eligible for early release. The act will also require the assessment team to develop programs for the periodic assessment of offenders under the jurisdiction of each agency and programs for reassessment and of the treatment and the rehabilitation.



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All right. Finally, the bill will require that the Superior Court and these other entities – government entities jointly make a report to the Speaker of the Guam Legislature regarding the implementation of this act that include the standardized procedures developed the results of the programs created including expected and actual effectiveness of assessment treatment and rehabilitation in reducing levels of dangerousness of or risk of recidivism or offenders while incarcerated and on release.

One of the issues that you know the bill talks about is developing a treatment plan but we realized that you know these the ability of our agencies to actually implement these is going to fluctuate but we still want that information to be available to the persons who are responsible for allowing release. For example, if there is not treatment available they should know that and if there was never treatment available before they're released they should know that.

So, hoping we can finesse this with your testimony today. And so, we did. We'll just begin now and so we'll accept testimony from those who have signed up. We've got the Director of the Department of the Guam Behavioral Health and Wellness Center, Mrs. Theresa Arriola, please come. Director Brennan, did you want to testify? Okay. Robert Camacho? Dr. Fegurgur, did you want to testify?

All right. Is there anyone else who would like to testify today? We've also received for the record prior to the hearing. Testimony from Dr. Pat Taimanglo, who's a professional at the Department of Corrections and with very detailed information regarding the treatment, the assessment, types of assessment that are available and that she recommends. And she made a point to say that punishment is more likely to lead to a reduction in target behavior if identified punishment or sanction immediately follows the behavior. And she says well the thought that punishment or sanctions may be effective. There are cases where punishment does not reduce a target behavior and in that point. She's speaking toward so we had put it in a punitive penalty if they do not comply with the treatment that they're supposed to be undergoing. But she supports this special assessment and treatment for this type of offenders.

All right. So, Director Arriola, please?

Theresa Arriola:



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Good afternoon, senators. Please excuse me, my voice is not here today but I will do my best. Before you, you have a copy of my testimony. I will read the beginning and then there's some consideration for the legislature to look at. And perhaps if you'll excuse me I won't read that because it's rather lengthy but for the record.

My name is Theresa Arriola, the Director of Guam Behavioral Health and Wellness Center.

Please see attached testimony.

There are several pages of thoughts and considerations of sex offender profiling. Recommendations, what works and what doesn't work. And bottom line, senators, we support the intent. I'm here and my department is here to work with the committee to move the intent of Bill No. 173 forward. and thank you very much for this testimony and if you could excuse me.

Chairperson Therese M. Terlaje:

Appreciate that very much, Director. Is there any question for the Director?

All right. Thank you and I appreciate they are very detailed information that you have attached regarding the science.

Theresa Arriola:

Science – what works and what doesn't work?

Chairperson Therese M. Terlaje:

Yes.

Theresa Arriola:

Of course, after this hearing we are always a phone call away if you need any more information.

Chairperson Therese M. Terlaje:



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Appreciate that. Thank you very much Director. Mr. Camacho?

Robert Camacho:

Good afternoon, Senator. Thank you very much for opening this discussion up for the public. Appreciate it. Just my name is Robert Camacho. I used to work at DOC, recently retired but I served many years at DOC – twenty-two years as a Parole Officer and also a Deputy Director.

And just recently the Governor asked me to be part of the Parole Board and so you know my interest here is just on the basis of possibly being appointed as a member for the Parole Board and future other things that involving the criminal justice system. And I guess when I was looking at this and I fully support anything that has to do with assessments and you know ensuring that the community is not at risk.

And I just have a few things points here just some things to consider and possibly add into the law or make some modifications possibly. I guess the whole thing is about risk and the fact of the matter is any kind of testing is not going to be a hundred percent accurate, right? We all understand that and this manipulation.

There's you know, they can, inmates can say whatever you want to say. They think that you want to hear and so these are the hard parts of determining whether or not these are truthful evaluations and can these evaluations really go to the core of the problem. And some of the things like I guess is how effective have the current programs at DOC have been. And we won't know that until we can probably find out what the recidivism rate of all those who have been convicted have been returned.

Either because of not only sexual conduct but other issues you know I've talked to many psychologists throughout the years and psychiatrists that have been at DOC and of course they you used to be this I don't hear that very often but they used to say that criminal sexual conduct is not just a sex crime, it's a crime of violence.

And so, one of the things I want to point out is that not just criminal sexual conduct treatment but also anger management. Personal relations and family.



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You know development because all of these have you know some kind of connection and maybe you know there's other issued that we are not aware of. But I think you have to look at all the gamin not just in psychologist of course, the caseworkers and whoever has involved with the treatment program with inmates.

Security reports of course I mean there are incidences or inmates are assaulted in the prison has this individual been accused of sexually assaulting another inmate. And there's even what they call the Prison Rape Elimination Act, that's how critical this issue is. That even in prison, inmates are sexually assaulted. I'm not sure about DOC right nor or what but this is the history of prisons.

So, another thing I think is very important I know when you think is very important I know when you serve two-thirds or a certain portion of your time you're allowed to you know go up for the parole board. And I agree if the individual doesn't attend any type of treatment I don't think he should be qualified and may be the thought that might be why do we force a person to go through this program if he's not willing.

Well if he's not willing that means he's not ready and it's extremely critical that you know that the individual takes responsibility of his actions. And if he was found guilty and you'll find that some individuals who have been convicted are not ready to accept that they committed this crime. Those continue to blame the victim or they falsely accused incidents you know a few and far between I would think.

But you know we have to consider these situations. The other part is that when the individual doesn't get paroled or let's say he is denied. He has to be released. Full time release and the law requires that they have to serve three years of parole mandatory. So, even if he doesn't go on parole. He still has to be on parole after his term. So, I think that's another thing that we have to consider putting into the law. That even his full time release he still has to meet and if it doesn't. then something should be done.

I'm not sure what the sanction will be or should he be returned back for the sake of the community because he refuses and then of course you have indigent parolees who can't find a job. Can't you know get any work and so they can't probably get the treatment or pay for a private counselor or what have you.



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And so, that may be where mental health has you know some kind of group therapy that they have for those who are suffering/ I'm not sure what they what kind of programs are available there but those are things that we have to possibly consider because then there are going to be many inmates out there will get released on full time release. And are not going to have a job or they're not going to be able to pay for services if we say okay that you're going to go through continued treatment.

The other part I would think is that on parole there are many years ago there were different statuses of parole supervision. They had maximum, minimum, and medium. Maximum is you have to report five times a month okay. Medium maybe three and then minimum is once a month.

So, maybe for a certain time period after the release. They should be a maximum supervision and you know and that's where also they were supposed to be a parole officer contact like five plus one. Meaning five times he has to meet with the parolee and ensure that he's home and I guess that would correspond with Senator Moylan's proposal bill with electronic monitor. That will help extremely for sure.

So, those are things to consider and I think yeah but I guess we also have to ask ourselves this if parole comes in and say this is the second time that he has been paroled or was previously convicted. He got paroled he served his time, comes for another one maybe a lesser crime of CSC for or whatever or three. Do we give him parole or not or is you got one more chance and that was it, no more?

You know that's something that we have to consider and you know if you want to have a much stronger you know stance on an individual's behavior out there. And you know I talked to one psychologist many years ago and especially when it comes to sexual assaults on minors. It is one of the most difficult things to change and these perpetrators have a hard time with it.

So, again we need to look at that and don't take any risk because I would almost assume from past experience and what I've read before that most of these people that have assaulted a child will return in some form or another. And maybe they might not get in an as criminal sexual but maybe assault or simple assault or depending on what the plea bargain might be.



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The other thing is that you know because we have so many inmates out there and they're not sure how many are with criminal sexual conduct. I'm not sure they have the resources to do individual but definitely they should be group therapy. If you can't handle everything and I think you know looking at this and you know I know possibly going to the parole board and reviewing these pre-parole studies, you know. I will be concerned and I possible you know I would not support any parole.

That if there's no evaluation and we need to look at the contracts of these psychologists and psychiatrists. Does it include individual counseling? Does it include group therapy because if it doesn't it needs to be changed because that might be another bone of contention. If it's not included in their contract.

So, you know that's my whole take on this. I'm you know I have done hundreds of parole studies and criminal sexual conduct and it is a very challenging thing to determine. Whether or not these individuals doing this or you know is hiding under you know some situation where he's actually assaulting somebody. We find out later you know sometimes it might be too late.

So, you know I'm very concerned about who we let out in the community. That's all I have to say.

Chairperson Therese M. Terlaje:

Thank you very much Mr. Camacho. Mrs. Arriola?

Theresa Arriola:

Thank you, senator. There was one major thing that I needed to add to my testimony earlier. And I would be remiss because I know that resources will never, we're not rolling, rolling, rolling in a lot of money and already my sister agency – Department of Corrections. We're all living trying to live within our means and being smarter about how we spend.

So, when I recommended that the Psychiatric Unit at the Department of Corrections take the lead on this because they have access to information that's very important. That goes without saying that they would need to have the support financially and revamping and probably more psychologists and



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revamping. Maybe not revamping but increasing the resources that are available in their Psychiatric Units.

So, I just need to make that statement on the record that the recommendation has to come with more resources and more support for their unit.

Chairperson Therese M. Terlaje:

Thank you very much. Director Brennan? Mr. Camacho is there any questions for Mr. Camacho? Senator Taitague?

Senator Telo Taitague:

First, I'd like to thank everyone who's here today but especially you, Bob, for being here. You have a wealth of knowledge of course. We all know working at DOC for many years as well as being you know Police Officer. And I'm glad to hear that the parole board you're looking at serving on the parole board. Which almost right now it sounded like you were auditioning for a parole role but it's great at least this information.

So, please bring it again when you go for your confirmation hearing and the reason I wanted to ask you is when you were a DOC Director, did you come across any type of assessments like this that were used in other jurisdictions that you wanted?

Robert Camacho:

We had multiple types of assessments. We had Dr. Kallingal, who had multiple types of group therapy and of course he's a well-known psychologist, psychiatrist here and so we were doing multiple types of assessment.

I can't tell you what exactly the term of the studies was but we did have those things available and he did conduct group therapy for different types of you know from personal enrichment to personal responsibility and not just on CSC but also drug treatment. And you know just working on the individual self.

The other thing I you know I wanted to mention is that you know in many years not just on psychologist but you know they had a lot of these church activities



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that we had. There were people from you know the catholic, the Jehovah witness, the Baptist and they were just administering to inmates and we were helping them cope with some of those things as anger issues. Those issues with and I think that was an extremely helpful thing as part of a comprehensive you know treatment program not just psychology or you know academic.

And one of the things that I did have implemented at the time was when Dr. Kallingal made these programs and I was wondering how effective was it you know how do we know that they were listening or were they just sitting there and you know pretending to listen.

And not really just to put on a check mark on their parole certificate, right? That I got this I went to you know sixty hours of what so or six months but was there participation? So, it's not just coming there and just you know being present.

I wanted to find out what did you have any kind of testing and you know like let's say the concepts you know. What triggered these sexual you know what's the impulses and did we have those type of identity you know identify how to recognize it. How it avoid it because I saw a lot of people graduating from these programs.

But my concern was were they really learning and were they just there to you know fill in a chair and you know make a check mark on the parole application. So, there has to be something where if you're going to have some kind of group therapy or whatever. Is there it and I don't want to make it sound you know I had this discussion with Dr. Kallingal ago.

He says this is not an academic thing, this is a therapeutic thing but you got to have a balance. How do we know that these individuals are listening are grasping the concepts? So, that they can apply it when they get out you know. Attendance is not treatment. This is my whole concern. So, I think that yeah they are what's that called things that they can fill out and do an assessment. I believe there are even some computer programs that will help them go through that whole assessment program.

Senator Telo Taitague:



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Thank you so much and I really appreciate that last comment that you made that attendance is not treatment.

Robert Camacho:

Right.

Senator Telo Taitague:

That's very well said and very well put. Thank you so much.

Robert Camacho:

And that's where you know it can be difficult thing when you're on the parole board and he says oh he went to, he's been for the past year. He's gone but if you ask the psychologist what does he do? He's reading the newspaper or magazine or you know he's looking out. And you know these are the things that has to be comprehensive with the caseworker and the parole officer, interviewing whatever.

And maybe the caseworker has an assessment there that says he's you know maybe he's going to programs like let's say he's been there. You know assaulting a police officer and he went to anger management but he shows signs of you know treating other inmates fairly or whatever.

Senator Telo Taitague:

Thank you so much for those comments.

Robert Camacho:

Okay.

Senator Telo Taitague:

Comprehension is most key to it.

Robert Camacho:



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Right.

Senator Telo Taitague:

Thank you appreciate. Thank you, Madame Chair.

Chairperson Therese M. Terlaje:

Thank you. Director Brennan?

Samantha Brennan:

Thank you. Samantha Brennan for the Department of Corrections. I just wanted to bring up, I know, Director Arriola spoke about being the Department of Corrections taking the lead. However, in our just short discussion right now I also made it clear.

She discusses that we have access to the court hearing records and that's not necessarily the case. We may get a copy I believe of the charging document but not necessarily to have access to all court records. That would be somebody at the court would probably have most of the access to a file.

So, I just want it to be on there, on the record. We may get the charges and what their actual charges for that and of course if they had been at Doc previously. Then we will have a history of when they were there and what their charges were. But we don't necessarily have full access to any court hearing records.

I just wanted to put that on the record. And just wondering where the court is as well.

Chairperson Therese M. Terlaje:

That's a very good question. We were not formally informed that they wouldn't be here and I was hoping they would be here but I was informally informed that they are working on their testimony.



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But I do agree their involvement and lead on this is really crucial because it's at that point of contact where the assessment is very valuable. And I think that's where the primary decisions are being made as to release.

And except for the parole board of course and then the Department of Corrections comes in but yes it's very important and we know that. So, my intention is that they're doing assessments and they are assessing different things and primarily it sounded like they are assessing risk of appearing for your court date.

You know they want to ensure that this person is going to show up for the next court date and which is very valid but not at all assessing whether this person is going to be reoffending while they are out there. I think what the community is most concerned about at this point.

So, I very much thank you for being here, two Directors and Mr. Camacho and the staff from the Department of Corrections, thank you. And from the Guam Behavioral Health.

Are there any other questions? Thank you again. Thank you for the details in the testimony where you recommend certain programs, certain types of testing and the science behind it. I appreciate that very much.

Si Yu'os ma'åse'

The public hearing was adjourned at 3:30 PM.

IV. FINDINGS & RECOMMENDATIONS

- Bill 173-35 (COR) was amended per recommendations by the Guam Legislature's Legal Bureau concerning due process requirements under the 14th Amendment. Proposed Section 93-40 (b) of the bill was edited to mandate the Department of Corrections to promulgate Disciplinary Rules and Regulations in order to create a disciplinary hearing process and justification for an incarcerated person's loss of "work credit" time.
- Section 93.40 (b) was amended to substitute "time earned" with "work credit" time earned per the recommendations of the Guam Legislature's Legal Bureau. Guam's reductions of sentence law only provide for work credits whereby people who are incarcerated may reduce their sentence for work done while in custody. Unlike other jurisdictions, Guam does not have a "time earned" or "good time" law.



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- Proposed Section 93.10, which had required the submission of a report by September 30, 2019 was amended to reflect a date that has not yet elapsed. Bill 173-35 (COR) was also made to comply with stylistic recommendations made by the Guam Legislatures Legal Bureau.

The Committee on Health, Tourism, Historic Preservation, Land and Justice hereby reports out Bill No. 173-35 (COR), **As Amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice- As Introduced by Senator Therese M. Terlaje-** "AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A STANDARDIZED RISK ASSESSMENT AND SYSTEM OF TREATMENT PROGRAMS FOR CRIMINAL SEXUAL CONDUCT OFFENDERS, WHICH SHALL BE KNOWN AS THE "CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION ACT," with the recommendation To Report out only.

I MINA 'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. **173** -35 (COR)

Introduced by:

Therese M. Terlaje 

**AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9,
GUAM CODE ANNOTATED, RELATIVE TO
ESTABLISHING A STANDARDIZED RISK
ASSESSMENT AND SYSTEM OF TREATMENT
PROGRAMS FOR CRIMINAL SEXUAL CONDUCT
OFFENDERS, WHICH SHALL BE KNOWN AS THE
“CRIMINAL SEXUAL CONDUCT ASSESSMENT AND
REHABILITATION ACT”.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Chapter 93 is hereby *added* to Title 9, Guam Code

Annotated to read:

“CHAPTER 93
CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION
ACT

§ 93.10. Short Title.

§ 93.11. Legislative Declaration.

§ 93.20. Criminal Sexual Conduct Assessment: Standardized Procedure.

§ 93.30. Assessment Required for Convicted Felons and Criminal Sexual
Conduct Offenders.

§ 93.35. Sentencing of Felons: Parole of Felons: Treatment and Testing
Based Upon Assessment Required.

2019 SEP 23 11:10:21 

1 § 93.40. Departments Develop Testing Programs.

2 § 93.50. Samples for Testing of Offenders.

3 § 93.51. Report to the Legislature.

4 **§ 93.10. Short Title.**

5 This Act may be cited as the “Criminal Sexual Conduct Assessment
6 and Rehabilitation Act”.

7 **§ 93.11. Legislative Declaration.**

8 The Legislature hereby declares that Criminal Sexual Conduct and
9 repeat criminal sexual conduct, is a major problem in the criminal justice
10 system of Guam. The Legislature hereby resolves to curtail the risk of
11 further harm from persons accused or convicted of criminal sexual conduct
12 through the implementation of standardized procedures for the assessment of
13 those individuals for dangerousness and risk for recidivism. The Courts
14 should assess the dangerousness and risk of recidivism before release on
15 probation, pretrial, pre-sentence or parole. Persons convicted of criminal
16 sexual conduct felonies who do not complete treatment and rehabilitation as
17 recommended by a court, Parole Board, or Department of Corrections
18 official based on assessment should not be eligible for early release.

19 The Legislature finds that Psycho-physiological testing can play a
20 useful role in the assessment of sex offenders. Physiologic test results should
21 only be used in conjunction with a thorough psychiatric evaluation,
22 comprehensive sexual history, and clinical expertise. Because effective
23 control and treatment of deviant sexual behaviors depends on identification
24 and understanding of the underlying dysfunction, assessment techniques that
25 provide insight into the etiology of a behavior are critical to reducing sexual
26 predator crimes. More accurate and reliable assessment techniques may

1 improve treatment outcomes and decrease the rate of sexual victimization
2 and may provide more reliable means.

3 **§ 93.20. Criminal Sexual Conduct Assessment: Standardized Procedure.**

4 (a) The Superior Court of Guam, the Department of Corrections, the
5 Territorial Parole Board, the Guam Police Department, and the Guam
6 Behavioral Health and Wellness Center (the Assessment Team) shall
7 cooperate to develop and implement the following:

8 (1) A standardized procedure for the assessment of individuals
9 accused or convicted of sexual offenses for dangerousness and risk for
10 recidivism. Assessment may include the use of physiological testing,
11 in conjunction with a thorough psychiatric evaluation, comprehensive
12 sexual history, and clinical expertise or such other test of the offender
13 as deemed appropriate by the Assessment Team. The assessment
14 procedure developed pursuant to this section shall recommend
15 treatment or rehabilitation which is appropriate to the needs of the
16 particular offender and which is aimed at reducing dangerousness and
17 risk of recidivism or shall indicate whether no treatment or
18 rehabilitation is known or predictable that will reduce dangerousness
19 or risk of recidivism.

20 (2) A system of programs for treatment and rehabilitation of
21 individuals accused or convicted of sexual offenses which can be
22 utilized by offenders who are placed on probation, incarcerated with
23 the Department of Corrections, placed on parole, or placed in
24 community corrections, or released.

25 (b) The procedures for treatment and rehabilitation required to be
26 developed by subsection (a) of this section shall be implemented only to the
27 extent monies are available, provided that, in all cases, persons referred or

1 ordered to receive treatment or rehabilitation shall do so at their own
2 expense, unless they are indigent.

3 (c) The Superior Court of Guam, the Department of Corrections, the
4 Territorial Parole Board, the Guam Police Department, and the Guam
5 Behavioral Health and Wellness Center shall cooperate to develop a
6 schedule of fees sufficient to cover the costs of assessment, testing, and
7 treatment as required by this section. All persons referred or ordered to
8 receive assessment, testing, or treatment shall be made to pay for such, in
9 accordance with the fee schedule, except in such cases where the person is
10 determined to be indigent.

11 **§ 93.30. Assessment Required for Convicted Felons and Criminal**
12 **Sexual Conduct Offenders.**

13 (a) Each person convicted of a criminal sexual conduct felony
14 committed on or after the effective date of this Act who is to be considered
15 for probation, pre-trial, pre-sentence release, sentence, or parole shall be
16 required, as part of the pre-sentence or probation investigation, to submit to
17 an assessment developed pursuant to § 93.20(a)(1). The Court shall order
18 such person to comply with the recommendations of such assessment as a
19 condition of probation, pre-sentence release, or parole and as part of
20 sentence, at the person's own expense, unless such person is indigent.

21 (b) Each person convicted of a criminal sexual conduct misdemeanor
22 committed on or after the effective date of this Act shall be required to
23 submit to an assessment developed pursuant to § 93.20(a)(1). The Court
24 shall order such person to comply with the recommendations of such
25 assessment, at the person's own expense unless such person is indigent. If
26 such person is sentenced to probation, such person shall be ordered to

1 comply with the recommendations as a condition of probation at such
2 person's own expense, unless such person is indigent.

3 (c) The assessment required by subsection (a) of this section or the
4 evaluation required by subsection (b) of this section shall be at the expense
5 of the person assessed or evaluated, unless such person is indigent.

6 **§ 93.35. Sentencing of Felons: Parole of Felons: Treatment and Testing**
7 **Based Upon Assessment Required.**

8 (a) Each person sentenced by the court for a felony committed on or
9 after the effective date of this Act shall be required, as part of any sentence
10 to undergo periodic assessment, treatment, and rehabilitation which is
11 appropriate to such person based upon the recommendations of the
12 assessment made pursuant to § 93.30 of this Act, or based upon any
13 subsequent recommendations by the Department of Corrections, the
14 Probation Office, the Parole Board or the Superior Court of Guam,
15 whichever is appropriate. Any such testing or treatment shall be at such
16 person's own expense, unless such person is indigent.

17 (b) Each person placed on parole by the Territorial Parole Board on or
18 after the effective date of this act, shall be required, as a condition of such
19 parole, to undergo periodic testing and treatment which is appropriate to
20 such person based upon the recommendations of the assessment made
21 pursuant to § 93.30 of this Act, or any assessment or subsequent
22 reassessment made regarding such person during his incarceration or any
23 period of parole. Any such testing or treatment shall be at such person's own
24 expense, unless such person is indigent.

25 **§ 93.40. Departments Develop Testing Programs.**

26 (a) The Superior Court of Guam, the Guam Behavioral Health and
27 Wellness Center, the Department of Corrections, and the Territorial Parole

1 Board, shall cooperate to develop programs for the periodic assessment of
2 offenders under the jurisdiction of each agency and programs for the
3 periodic reassessment of appropriate treatment and rehabilitation made in the
4 initial assessment required by § 93.30 of this Act, or any subsequent
5 reassessment.

6 (b) The Department of Corrections shall develop and make public a
7 range of punitive sanctions for those incarcerated offenders who fail to
8 submit to assessment, treatment or to participate in rehabilitation, which
9 sanctions are appropriate to the offenders and will promote fairness and
10 consistency in the treatment of offenders and may include, but shall not be
11 limited to, increases in the level of an offender's supervision, increases in the
12 use of electronic monitoring of an offender, loss of earned time granted
13 pursuant to any appropriate local law or program, and referral of the
14 offender to the court for re-sentencing, or other sanctions designed to
15 prevent further harm from such offender. Any offender who does not
16 cooperate with assessments, complete treatment or rehabilitation program
17 shall not be eligible for parole.

18 (c) The Superior Court shall immediately revoke probation or release
19 due to failure to perform assessments, treatment or rehabilitation made a
20 condition of probation, pretrial release, pre-sentence release or release.

21 (d) The Territorial Parole Board shall immediately revoke parole due
22 to failure to perform assessments, treatment or rehabilitation made a
23 condition of parole.

24 **§ 93.50. Samples for Testing of Offenders.**

25 Any type of sample for the chemical testing of any offender pursuant
26 to this Act may be collected from such offender by his probation officer,

1 parole officer, case manager within the Department of Corrections, or any
2 contract provider of testing services.

3 **§ 93.51. Report to the Legislature.**

4 On or before September 30, 2019, the Superior Court of Guam, the
5 Department of Corrections, the Territorial Parole Board, the Guam Police
6 Department, and the Guam Behavioral Health and Wellness Center shall
7 jointly make a report to the Speaker of the Guam Legislature regarding the
8 implementation of this Act; the standardized procedures developed pursuant
9 to this Act; the results of the programs created by this Act, including
10 expected and actual effectiveness of the assessment, treatment, and
11 rehabilitation in reducing levels of dangerousness or risk of recidivism of
12 offenders while incarcerated and on release.”

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 173-35 (COR)

As Amended by the Committee on Health,
Tourism, Historic Preservation, Land and Justice

Introduced by:

Therese M. Terlaje

**AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9,
GUAM CODE ANNOTATED, RELATIVE TO
ESTABLISHING A STANDARDIZED RISK
ASSESSMENT AND SYSTEM OF TREATMENT
PROGRAMS FOR CRIMINAL SEXUAL CONDUCT
OFFENDERS, WHICH SHALL BE KNOWN AS THE
“CRIMINAL SEXUAL CONDUCT ASSESSMENT AND
REHABILITATION ACT”.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Chapter 93 is hereby *added* to Title 9, Guam Code

Annotated to read:

“CHAPTER 93

CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION ACT

§ 93.10. Short Title.

§ 93.11. Legislative Declaration.

§ 93.20. Criminal Sexual Conduct Assessment: Standardized Procedure.

§ 93.30. Assessment Required for Convicted Felons and Criminal Sexual

Conduct Offenders.

§ 93.35. Sentencing of Felons: Parole of Felons: Treatment and Testing

Based Upon Assessment Required.

§ 93.40. Departments Develop Testing Programs.

1 § 93.50. Samples for Testing of Offenders.

2 § 93.51. Report to the Legislature.

3 **§ 93.10. Short Title.**

4 This Act may be cited as the “Criminal Sexual Conduct Assessment
5 and Rehabilitation Act”.

6 **§ 93.11. Legislative Declaration.**

7 The Legislature hereby declares that Criminal Sexual Conduct and
8 offenses are repeat criminal sexual conduct, is a major problem in the
9 criminal justice system of Guam. The Legislature hereby resolves to curtail
10 the risk of further harm from persons accused or convicted of criminal
11 sexual conduct through the implementation of standardized procedures for
12 the assessment of those individuals for dangerousness and risk for
13 recidivism. The Courts should assess the dangerousness and risk of
14 recidivism before release on probation, pretrial, pre-sentence or parole.
15 Persons convicted of criminal sexual conduct felonies who do not complete
16 treatment and rehabilitation as recommended by a court, Parole Board, or
17 Department of Corrections official based on assessment should not be
18 eligible for early release.

19 The Legislature finds that pPsycho-physiological testing can play a
20 useful role in the assessment of sex offenders. Physiologic test results should
21 only be used in conjunction with a thorough psychiatric evaluation,
22 comprehensive sexual history, and clinical expertise. Because effective
23 control and treatment of deviant sexual behaviors depends on identification
24 and understanding of the underlying dysfunction, assessment techniques that
25 provide insight into the etiology of a behavior are critical to reducing sexual
26 predator crimes. More accurate and reliable assessment techniques may

1 improve treatment outcomes and decrease the rate of sexual victimization
2 and may provide more reliable means.

3 **§ 93.20. Criminal Sexual Conduct Assessment: Standardized Procedure.**

4 (a) The Superior Court of Guam, the Department of Corrections, the
5 Territorial Parole Board, the Guam Police Department, and the Guam
6 Behavioral Health and Wellness Center (the Assessment Team) shall
7 cooperate to develop and implement the following:

8 (1) A standardized procedure for the assessment of individuals
9 accused or convicted of sexual offenses for dangerousness and risk for
10 recidivism. The ~~A~~ assessment may include the use of physiological
11 testing, in conjunction with a thorough psychiatric evaluation,
12 comprehensive sexual history, and clinical expertise or such other test
13 of the offender as deemed appropriate by the Assessment Team. The
14 assessment procedure developed pursuant to this section shall
15 recommend treatment or rehabilitation that ~~which~~ is appropriate to the
16 needs of the particular offender and which is aimed at reducing
17 dangerousness and risk of recidivism or shall indicate whether no
18 treatment or rehabilitation is known or predictable that will reduce
19 dangerousness or risk of recidivism.

20 (2) A system of programs for treatment and rehabilitation of
21 individuals convicted of sexual offenses which can be utilized by
22 offenders who are placed on probation, incarcerated with the
23 Department of Corrections, placed on parole, or placed in community
24 corrections, or released on probation or parole, on pretrial release, or
25 discharged from prison.

26 (b) The procedures for treatment and rehabilitation required to be
27 developed by subsection (a) of this Section shall be implemented only to

1 the extent monies are available, provided that, in all cases, persons referred
2 or ordered to receive treatment or rehabilitation shall do so at their own
3 expense, unless ~~they are~~ such person is determined to be indigent.

4 (c) The Superior Court of Guam, the Department of Corrections, the
5 Territorial Parole Board, the Guam Police Department, and the Guam
6 Behavioral Health and Wellness Center shall cooperate to develop a
7 schedule of fees sufficient to cover the costs of assessment, testing, and
8 treatment as required by this section. All persons referred or ordered to
9 receive assessment, testing, or treatment shall be made to pay for such, in
10 accordance with the fee schedule, except in such cases where the person is
11 determined to be indigent.

12 **§ 93.30. Assessment Required for Convicted Felons and Criminal**
13 **Sexual Conduct Offenders.**

14 (a) A person convicted of a criminal sexual conduct felony committed
15 on or after the effective date of this Act who is to be considered for
16 probation, pre-trial, pre-sentence release, sentencing, or parole shall be
17 required, as part of the pre-sentence or probation investigation, to submit to
18 an assessment developed pursuant to § 93.20(a)(1). The Court shall order
19 such person to comply with the recommendations of such assessment as a
20 condition of probation, pre-trial, pre-sentence release, or parole and as part
21 of the sentence, at the person's own expense, unless such person is indigent.

22 (b) Each person convicted of a criminal sexual conduct misdemeanor
23 committed on or after the effective date of this Act shall be required to
24 submit to an assessment developed pursuant to § 93.20(a)(1). The Court
25 shall order such person to comply with the recommendations of such
26 assessment, at the person's own expense unless such person is indigent. If
27 such person is sentenced to probation, such person shall be ordered to

1 comply with the recommendations as a condition of probation at such
2 person's own expense, unless such person is indigent.

3 (c) The assessment required by ~~S~~ubsection (a) of this Section or the
4 evaluation required by subsection (b) of this section shall be at the expense
5 of the person assessed or evaluated, unless such person is indigent.

6 **§ 93.35. Sentencing and Parole of Felons: Parole of Felons: Treatment**
7 **and Testing Based Upon Assessment Required.**

8 (a) Each person sentenced by the court for a Criminal Sexual Conduct
9 felony committed on or after the effective date of this Act shall be required,
10 as part of any sentence to undergo periodic assessment, treatment, and
11 rehabilitation which is appropriate to such person based upon the
12 recommendations of the assessment made pursuant to § 93.30 of this ~~Act~~
13 Chapter, or based upon any subsequent recommendations by the Department
14 of Corrections, the Probation Office, the Parole Board or the Superior Court
15 of Guam, whichever is appropriate. Any such testing or treatment shall be at
16 such person's own expense, unless such person is indigent.

17 (b) Each person convicted of a Criminal Sexual Conduct felony who
18 is placed on parole by the Territorial Parole Board on or after the effective
19 date of this ~~A~~ct, shall be required, as a condition of such parole, to undergo
20 periodic testing and treatment that which is appropriate to such person based
21 upon the recommendations of the assessment made pursuant to § 93.30 of
22 this Act, or any assessment or subsequent reassessment made regarding such
23 person during his incarceration or any period of parole. Any such testing or
24 treatment shall be at such person's own expense, unless such person is
25 indigent.

26 **§ 93.40. Development ~~Departments~~ of Testing Programs.**

1 (a) The Superior Court of Guam, the Guam Behavioral Health and
2 Wellness Center, the Department of Corrections, and the Territorial Parole
3 Board, shall cooperate to develop programs for the periodic assessment of
4 Criminal Sexual Conduct offenders under the jurisdiction of each agency
5 and programs for the periodic reassessment of appropriate treatment and
6 rehabilitation made in the initial assessment required by § 93.30 of this Act,
7 or any subsequent reassessment.

8 (b) The Department of Corrections shall ~~develop and make public a~~
9 ~~range of punitive sanctions~~ promulgate Disciplinary Rules and Regulations
10 for those incarcerated Criminal Sexual Conduct offenders who fail to submit
11 to the assessment, treatment or ~~to participate in~~ rehabilitation
12 recommendations, ~~which sanctions are appropriate to the offenders and will~~
13 Disciplinary rules and regulations, *shall* promote fairness and consistency in
14 the treatment of offenders and may include, but shall not be limited to an
15 increased level of ~~increases in the level of an offender's~~ supervision,
16 ~~increases in the use of electronic monitoring of an offender,~~ loss of ~~earned~~
17 work credit time granted pursuant to 9 GCA § 81.10, and referral of the
18 offender to the court to update sentence to reflect such loss of work credit, or
19 other sanctions designed to prevent further harm from such offender. Any
20 offender who does not cooperate with assessments, complete treatment or
21 rehabilitation program shall not be eligible for parole.

22 (c) The Superior Court shall immediately revoke probation or release
23 due to failure to ~~perform~~ submit to an assessments, treatment or
24 rehabilitation made a condition of probation, pretrial release, pre-sentence
25 release or release.

1 (d) The Territorial Parole Board shall immediately revoke parole due
2 to failure to submit to an assessment, treatment or rehabilitation made a
3 condition of parole.

4 **§ 93.50. Samples for Testing of Offenders.**

5 Any type of sample for the chemical testing of any offender pursuant
6 to this Act may be collected from such offender by his probation officer,
7 parole officer, case manager within the Department of Corrections, or any
8 contract provider of testing services.

9 **§ 93.51. Report to the Legislature.**

10 On or before ~~September 30~~ January 31, 2019, the Superior Court of
11 Guam, the Department of Corrections, the Territorial Parole Board, the
12 Guam Police Department, and the Guam Behavioral Health and Wellness
13 Center shall jointly make a report to the Speaker of the Guam Legislature
14 regarding the implementation of this Act; the standardized procedures
15 developed pursuant to this Act; the results of the programs created by this
16 Act, including expected and actual effectiveness of the assessment,
17 treatment, and rehabilitation in reducing levels of dangerousness or risk of
18 recidivism of offenders while incarcerated and on release.”

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN
2019 (FIRST) Regular Session

Bill No. 173-35 (COR)

As Amended by the Committee on Health,
Tourism, Historic Preservation, Land and Justice

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Introduced by:

Therese M. Terlaje

AN ACT TO *ADD* A NEW CHAPTER 93 TO TITLE 9,
GUAM CODE ANNOTATED, RELATIVE TO
ESTABLISHING A STANDARDIZED RISK
ASSESSMENT AND SYSTEM OF TREATMENT
PROGRAMS FOR CRIMINAL SEXUAL CONDUCT
OFFENDERS, WHICH SHALL BE KNOWN AS THE
“CRIMINAL SEXUAL CONDUCT ASSESSMENT AND
REHABILITATION ACT”.

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BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Chapter 93 is hereby *added* to Title 9, Guam Code

Annotated to read:

“CHAPTER 93

CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION

ACT

§ 93.10. Short Title.

§ 93.11. Legislative Declaration.

§ 93.20. Criminal Sexual Conduct Assessment: Standardized Procedure.

§ 93.30. Assessment Required for Convicted Felons and Criminal Sexual
Conduct Offenders.

1 § 93.35. Sentencing of Felons: Parole of Felons: Treatment and Testing
2 Based Upon Assessment Required.

3 § 93.40. Departments Develop Testing Programs.

4 § 93.50. Samples for Testing of Offenders.

5 § 93.51. Report to the Legislature.

6 **§ 93.10. Short Title.**

7 This Act may be cited as the “Criminal Sexual Conduct Assessment
8 and Rehabilitation Act”.

9 **§ 93.11. Legislative Declaration.**

10 The Legislature hereby declares that Criminal Sexual Conduct and
11 offenses are repeat criminal sexual conduct, is a major problem in the
12 criminal justice system of Guam. The Legislature hereby resolves to curtail
13 the risk of further harm from persons accused or convicted of criminal
14 sexual conduct through the implementation of standardized procedures for
15 the assessment of those individuals for dangerousness and risk for
16 recidivism. The Courts should assess the dangerousness and risk of
17 recidivism before release on probation, pretrial, pre-sentence or parole.
18 Persons convicted of criminal sexual conduct felonies who do not complete
19 treatment and rehabilitation as recommended by a court, Parole Board, or
20 Department of Corrections official based on assessment should not be
21 eligible for early release.

22 The Legislature finds that ~~psycho-physiological~~ testing can play a
23 useful role in the assessment of sex offenders. Physiologic test results should
24 only be used in conjunction with a thorough psychiatric evaluation,
25 comprehensive sexual history, and clinical expertise. Because effective
26 control and treatment of deviant sexual behaviors depends on identification
27 and understanding of the underlying dysfunction, assessment techniques that

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1 provide insight into the etiology of a behavior are critical to reducing sexual
2 predator crimes. More accurate and reliable assessment techniques may
3 improve treatment outcomes and decrease the rate of sexual victimization
4 and may provide more reliable means.

5 **§ 93.20. Criminal Sexual Conduct Assessment: Standardized Procedure.**

6 (a) The Superior Court of Guam, the Department of Corrections, the
7 Territorial Parole Board, the Guam Police Department, and the Guam
8 Behavioral Health and Wellness Center (the Assessment Team) shall
9 cooperate to develop and implement the following:

10 (1) A standardized procedure for the assessment of individuals
11 accused or convicted of sexual offenses for dangerousness and risk for
12 recidivism. The assessment may include the use of physiological
13 testing, in conjunction with a thorough psychiatric evaluation,
14 comprehensive sexual history, and clinical expertise or such other test
15 of the offender as deemed appropriate by the Assessment Team. The
16 assessment procedure developed pursuant to this section shall
17 recommend treatment or rehabilitation that is appropriate to the needs
18 of the particular offender and which is aimed at reducing
19 dangerousness and risk of recidivism or shall indicate whether no
20 treatment or rehabilitation is known or predictable that will reduce
21 dangerousness or risk of recidivism.

22 (2) A system of programs for treatment and rehabilitation of
23 individuals convicted of sexual offenses which can be utilized by
24 offenders who are placed on probation, incarcerated with the
25 Department of Corrections, placed on parole, or placed in community
26 corrections, or released on probation or parole, on pretrial release, or
27 discharged from prison.

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1 (b) The procedures for treatment and rehabilitation required to be
2 developed by subsection (a) of this Section shall be implemented only to the
3 extent monies are available, provided that, in all cases, persons referred or
4 ordered to receive treatment or rehabilitation shall do so at their own
5 expense, unless such person is determined to be indigent.

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6 (c) The Superior Court of Guam, the Department of Corrections, the
7 Territorial Parole Board, the Guam Police Department, and the Guam
8 Behavioral Health and Wellness Center shall cooperate to develop a
9 schedule of fees sufficient to cover the costs of assessment, testing, and
10 treatment as required by this section. All persons referred or ordered to
11 receive assessment, testing, or treatment shall be made to pay for such, in
12 accordance with the fee schedule, except in such cases where the person is
13 determined to be indigent.

14 **§ 93.30. Assessment Required for Convicted Felons and Criminal**

15 **Sexual Conduct Offenders.**

16 (a) A person convicted of a criminal sexual conduct felony committed
17 on or after the effective date of this Act who is to be considered for
18 probation, pre-trial, pre-sentence release, sentencing, or parole shall be
19 required, as part of the pre-sentence or probation investigation, to submit to
20 an assessment developed pursuant to § 93.20(a)(1). The Court shall order
21 such person to comply with the recommendations of such assessment as a
22 condition of probation, pre-trial, pre-sentence release, or parole and as part
23 of the sentence, at the person's own expense, unless such person is indigent.

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24 (b) Each person convicted of a criminal sexual conduct misdemeanor
25 committed on or after the effective date of this Act shall be required to
26 submit to an assessment developed pursuant to § 93.20(a)(1). The Court
27 shall order such person to comply with the recommendations of such

1 assessment, at the person's own expense unless such person is indigent. If
2 such person is sentenced to probation, such person shall be ordered to
3 comply with the recommendations as a condition of probation at such
4 person's own expense, unless such person is indigent.

5 (c) The assessment required by Subsection (a) of this Section or the
6 evaluation required by subsection (b) of this section shall be at the expense
7 of the person assessed or evaluated, unless such person is indigent.

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8 **§ 93.35. Sentencing and Parole of Felons: Treatment and Testing Based**
9 **Upon Assessment Required.**

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10 (a) Each person sentenced by the court for a Criminal Sexual Conduct
11 felony committed on or after the effective date of this Act shall be required,
12 as part of any sentence to undergo periodic assessment, treatment, and
13 rehabilitation which is appropriate to such person based upon the
14 recommendations of the assessment made pursuant to § 93.30 of this
15 Chapter, or based upon any subsequent recommendations by the Department
16 of Corrections, the Probation Office, the Parole Board or the Superior Court
17 of Guam, whichever is appropriate. Any such testing or treatment shall be at
18 such person's own expense, unless such person is indigent.

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19 (b) Each person convicted of a Criminal Sexual Conduct felony who
20 is placed on parole by the Territorial Parole Board on or after the effective
21 date of this Act, shall be required, as a condition of such parole, to undergo
22 periodic testing and treatment that is appropriate to such person based upon
23 the recommendations of the assessment made pursuant to § 93.30 of this
24 Act, or any assessment or subsequent reassessment made regarding such
25 person during his incarceration or any period of parole. Any such testing or
26 treatment shall be at such person's own expense, unless such person is
27 indigent.

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1 **§ 93.40. Development of Testing Programs.**

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2 (a) The Superior Court of Guam, the Guam Behavioral Health and
3 Wellness Center, the Department of Corrections, and the Territorial Parole
4 Board, shall cooperate to develop programs for the periodic assessment of
5 Criminal Sexual Conduct offenders under the jurisdiction of each agency
6 and programs for the periodic reassessment of appropriate treatment and
7 rehabilitation made in the initial assessment required by § 93.30 of this Act,
8 or any subsequent reassessment.

9 (b) The Department of Corrections shall promulgate Disciplinary
10 Rules and Regulations for those incarcerated Criminal Sexual Conduct
11 offenders who fail to submit to the assessment, treatment or rehabilitation
12 recommendations. Disciplinary rules and regulations shall promote fairness
13 and consistency in the treatment of offenders and may include, but shall not
14 be limited to an increased level of supervision, the use of electronic
15 monitoring, loss of work credit time granted pursuant to 9 GCA § 81.10.,
16 and referral of the offender to the court to update sentence to reflect such
17 loss of work credit, or other sanctions designed to prevent further harm
18 from such offender. Any offender who does not cooperate with assessments,
19 complete treatment or rehabilitation program shall not be eligible for parole.

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20 (c) The Superior Court shall immediately revoke probation or release
21 due to failure to submit to an assessment, treatment or rehabilitation made a
22 condition of probation, pretrial release, pre-sentence release or release.

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23 (d) The Territorial Parole Board shall immediately revoke parole due
24 to failure to submit to an assessments, treatment or rehabilitation made a
25 condition of parole.

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26 **§ 93.50. Samples for Testing of Offenders.**

1 Any type of sample for the chemical testing of any offender pursuant
2 to this Act may be collected from such offender by his probation officer,
3 parole officer, case manager within the Department of Corrections, or any
4 contract provider of testing services.

5 **§ 93.51. Report to the Legislature.**

6 On or before ~~January 31~~, 2019, the Superior Court of Guam, the
7 Department of Corrections, the Territorial Parole Board, the Guam Police
8 Department, and the Guam Behavioral Health and Wellness Center shall
9 jointly make a report to the Speaker of the Guam Legislature regarding the
10 implementation of this Act; the standardized procedures developed pursuant
11 to this Act; the results of the programs created by this Act, including
12 expected and actual effectiveness of the assessment, treatment, and
13 rehabilitation in reducing levels of dangerousness or risk of recidivism of
14 offenders while incarcerated and on release.”

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Senator Régine Biscoe Lee
Chairperson

Senator Amanda L. Shelton
Vice Chairperson

Speaker Tina Rose Muña Barnes
Member

Vice Speaker Telena Cruz Nelson
Member

Senator Kelly Marsh (Taitano), PhD
Member

Senator Sabina Flores Perez
Member



COMMITTEE ON RULES
I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
35TH GUAM LEGISLATURE

Senator Clynton E. Ridge
Member

Senator Joe S. San Agustín
Member

Senator Jose "Pedro" Terlaja
Member

Senator Therese M. Terlaja
Member

Senator James C. Moylar
Member

Senator Mary Camacho Torre
Member and Chair, Subcommittee on Protocol

July 26, 2019

MEMO

To: Rennae Meno
Clerk of the Legislature

From: Senator Amanda L. Shelton
Acting Chairperson, Committee on Rules

Re: Fiscal Notes

Buenas yan Håfa adai.

Attached, please find the fiscal notes for the following bills:

Bill No. 155-35 (COR)

Bill No. 173-35 (COR)

Please forward the same to Management Information Services (MIS) for posting on our website.

For any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Amanda L. Shelton".

Senator Amanda L. Shelton
Acting Chairperson, Committee on Rules

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 173-35 (COR)**

AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A STANDARDIZED RISK ASSESSMENT AND SYSTEM OF TREATMENT PROGRAMS FOR CRIMINAL SEXUAL CONDUCT OFFENDERS, WHICH SHALL BE KNOWN AS THE "CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION ACT".

Department/Agency Appropriation Information	
Dept./Agency Affected: Unified Judiciary of Guam	Dept./Agency Head: Katherine A. Maraman, Chief Justice
Department's General Fund (GF) appropriation(s) to date:	\$30,515,917
Department's Other Fund (Safe Streets Fund) appropriation(s) to date:	\$156,127
Total Department/Agency Appropriation(s) to date:	\$30,672,044
Dept./Agency Affected: Department of Corrections (DOC)	Dept./Agency Head: Samantha J. Brennan, Director
Department's General Fund (GF) appropriation(s) to date:	\$24,649,150
Department's Other Fund appropriation(s) to date: DOC Inmate Revolving Fund (\$1,495,582) & Safe Streets Fund (\$104,084)	\$1,599,666
Total Department/Agency Appropriation(s) to date:	\$26,248,816
Dept./Agency Affected: Guam Police Department	Dept./Agency Head: Stephen C. Ignacio, Chief of Police
Department's General Fund (GF) appropriation(s) to date:	\$25,786,222
Department's Other Fund appropriation(s) to date: Guam Highway Fund (\$1,196,817), Police Patrol Vehicle & Equipment Revolving Fund (\$320,037), Police Services Fund (\$1,001,803), Tourist Attraction Fund (\$5,823,822)	\$8,342,479
Total Department/Agency Appropriation(s) to date:	\$34,128,701
Dept./Agency Affected: Guam Behavioral Health and Wellness Center	Dept./Agency Head: Theresa C. Arriola, Director
Department's General Fund (GF) appropriation(s) to date:	\$523,429
Department's Other Fund (Healthy Futures Fund) appropriation(s) to date:	\$20,643,408
Total Department/Agency Appropriation(s) to date:	\$21,166,837

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2018 Unreserved Fund Balance		\$0	\$0
FY 2019 Adopted Revenues	\$0	\$0	\$0
FY 2019 Appro. (P.L. 34-116)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2019 (if applicable)	FY 2020	FY 2021	FY 2022	FY 2023
General Fund	1/	\$0	\$0	\$0	\$0	\$0
Special Fund	1/	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ /X/ N/A
- Does the Bill establish a new program/agency? /X/ Yes / / No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /X/ No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No
/X/ Requested agency comments not received by due date / / Other:

Analyst: <u>Joaquin Guerrero, BMA II</u>	Date: <u>7/23/19</u>	Director: <u>Lester L. Carlson, Jr.</u>	Date: <u>JUL 25 2019</u>
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Footnotes:
1/ See attached comments.

Bureau of Budget and Management Research
Comments on Bill No. 173-35 (COR)

The proposed legislation intends to add a new Chapter 93 to Title 9 of the Guam Code Annotated, to establish a standardized risk assessment and system of treatment programs for criminal sexual conduct offenders, which shall be known as the "Criminal Sexual Conduct Assessment and Rehabilitation Act". Furthermore, the Bill sites the Judiciary of Guam, the Department of Corrections (DOC), the Territorial Parole Board, the Guam Police Department, and the Guam Behavioral Health and Wellness Center as the "Assessment Team".

Should the Bill be enacted into law, the Assessment Team will be required to collaborate to develop and implement standardized procedures for the assessment of individuals accused or convicted of sexual offenses for dangerousness and risk for recidivism. The assessment procedure developed pursuant to the Bill will require the recommendation of treatment or rehabilitation which is appropriate to the needs of the particular offender. Additionally, the Assessment Team will be required to develop and implement a system of programs for treatment and rehabilitation following the assessment which can be utilized by offenders who are placed on probation, incarcerated with the DOC, placed on parole, placed in community corrections, or released. The required assessments and recommendations for treatment or rehabilitation as a result of the assessments shall be at the person's own expense, unless such person is indigent. Moreover, it will be a requirement for the Assessment Team to develop a schedule of fees sufficient to cover the costs of assessment, testing, and treatment as required by the proposed legislation.

In its present form and absent additional information from the entities cited, the fiscal impact cannot be assessed until such time the Assessment Team meets and develops a standardized risk assessment and system of treatment programs. This is needed to determine additional personnel requirements and operational resources and to generate a proposed fee schedule for these services.



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåban

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

COMMITTEE VOTE SHEET

Bill No. 173-35 (COR) – As Amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice- As Introduced by Senator Therese M. Terlaje- “AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A STANDARDIZED RISK ASSESSMENT AND SYSTEM OF TREATMENT PROGRAMS FOR CRIMINAL SEXUAL CONDUCT OFFENDERS, WHICH SHALL BE KNOWN AS THE “CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION ACT.”

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Therese M. Terlaje Chairperson	TMT	✓ 11-12-19				
Senator Sabina Flores Perez Vice Chairperson	SFP			✓ 11/12/19		
Senator Kelly G. Marsh (Taitano), Ph.D. Member				✓ 11/12/19		
Senator James C. Moylan Member		✓ 11/12/19				
Senator Louise B. Muña Member				✓ 1/15/2020		
Vice Speaker Telena C. Nelson Member						
Senator Joe S. San Agustin Member		✓ 11/12/19				
Senator Amanda L. Shelton Member				✓ 11/12/19		
Senator Mary Camacho Torres Member				✓ 1/15/2020		